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Amendment to the Claims:

This listing of the claims will replace all prior versions, and listings, of claims in the application.

Listing of the Claims:

1. (currently amended) A method for providing conditional access to the source code of a program, comprising:

generating encrypted source code of a program;
generating a software key to decrypt said encrypted source code;

providing said encrypted source code to a recipient; and

providing said software key to an escrow holder who is under instructions to provide said software key to said recipient upon satisfaction of a release condition, wherein said software key is otherwise unavailable to said recipient at any time.

2. (original) The method according to claim 1, wherein said software key is randomly generated while generating said encrypted source code.

3. (original) The method according to claim 1, further comprising generating binary executable code of said program, and providing said encrypted source code and

said binary executable code of said program to said recipient.

4. (original) The method according to claim 3, wherein said providing of said encrypted source code and said binary executable code to said recipient is performed over the Internet using file transfer protocol.

5. (original) The method according to claim 4, wherein said providing of said software key to said escrow holder includes transferring information of said software key along with an identification of said recipient to said escrow holder.

6. (original) The method according to claim 4, wherein said providing of said software key to said escrow holder includes emailing said software key to said escrow holder.

7. (original) The method according to claim 6, wherein said providing of said software key to said escrow holder further includes emailing information identifying said recipient along with said software key to said escrow holder.

8. (original) The method according to claim 3, further comprising writing said encrypted source code and said binary executable code on a computer readable medium, and said providing of said encrypted source code and said

binary executable code to said recipient is performed by providing said computer readable medium to said recipient.

9. (original) The method according to claim 8, wherein said providing of said software key to said escrow holder includes transferring information of said software key along with information identifying said recipient to said escrow holder.

10. (currently amended) An apparatus for providing conditional access to the source code of a program, comprising a computer that is programmed to generate encrypted source code of the program, generate a software key to decrypt said encrypted source code, provide said encrypted source code to a recipient, and provide said software key to an escrow holder who is under instructions to provide said software key to said recipient upon satisfaction of a release condition, wherein said software key is otherwise unavailable to said recipient at any time.

11. (original) The apparatus according to claim 10, wherein said computer is further instructed to electronically transfer said encrypted source code along with binary executable code of said program to said recipient.

12. (original) The apparatus according to claim 11, wherein said computer is further instructed to electronically transfer said software key along with

information identifying said recipient to said escrow holder.

13. (currently amended) An apparatus for providing conditional access to the source code of a program, comprising a computer that is programmed to generate encrypted source code of the program, generate a software key to decrypt said encrypted source code, facilitate providing said encrypted source code to a recipient, and facilitate providing of said software key to an escrow holder who is under instructions to provide said software key to said recipient upon satisfaction of a release condition, wherein said software key is otherwise unavailable to said recipient at any time.

14. (original) The apparatus according to claim 13, wherein said computer is further instructed to write binary executable code of said program and said encrypted source code on a computer readable medium to facilitate providing said binary executable code and said encrypted source code to said recipient.

15. (original) The apparatus according to claim 14, wherein said computer is further instructed to store said software key and information identifying said recipient in a file to facilitate providing said software key and said information identifying said recipient to said escrow holder.

16. (currently amended) A method for providing conditional access to the source code of a program, comprising:

receiving source code of a program, [and]
information identifying a recipient, and information identifying an escrow agreement having release conditions;

generating encrypted source code from said source code, and providing said encrypted source code to said recipient;

generating a software key to decrypt said encrypted source code; [and]

creating a record including said software key, [and] said information identifying said recipient, and said information identifying said escrow agreement; and

providing said software key to said recipient upon satisfaction of one of said release conditions, wherein said software key is otherwise unavailable to said recipient at any time.

17. (cancelled).

18. (currently amended) The method according to claim 16, further comprising:

generating binary executable code from said source code; and

providing said binary executable code in addition to [and] said encrypted source code to said recipient.

19. (cancelled).

20. (cancelled).

21. (currently amended) An apparatus for providing conditional access to the source code of a program, comprising a computer that is programmed to receiving source code of a program, [and] information identifying a recipient, and information identifying an escrow agreement having release conditions; generate encrypted source code from said source code, and provide said encrypted source code to said recipient; generate a software key to decrypt said encrypted source code; [and] create a record including said software key, [and] said information identifying said recipient, and said information identifying said escrow agreement; and provide said software key to said recipient after one of said release conditions has been satisfied, wherein said software key is otherwise unavailable to said recipient at any time.

22. (cancelled).

23. (currently amended) The apparatus according to claim 21, wherein said computer is further programmed to generate binary executable code from said source code, and provide said binary executable code in addition to [and] said encrypted source code to said recipient.

24. (cancelled).

25. (cancelled).

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